

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

DOROTHY HOBSON, as personal)
representative and administrator for the)
Estate of Kenneth Hobson)

Plaintiff,)

v.)

CASE NO.: 2:10-CV-429-TLS

ROY DOMINGUEZ, individually and in)
his official capacity as sheriff of Lake)
County, Indiana, and et al.)

Defendants.)

ORDER

This matter is before the Court on the Defendants' Motion for Sanctions Under Federal Rule of Civil Procedure 37 [ECF No. 217] filed on March 29, 2013. The Court referred this motion for to the Honorable Judge Paul R. Cherry, full-time Magistrate Judge for the Northern District of Indiana, on February 26, 2014, to prepare a report and recommendation on the pending motion.

A judge may refer a dispositive matter to a magistrate judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72-1. Because the Defendants in this case requested a sanction of dismissal, a dispositive matter was at issue.

This Court's review of the Magistrate's Report and Recommendation [ECF No. 265], issued February 28, 2014, is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute also requires objections to the Magistrate's Report and Recommendations to be made within fourteen days of service of a copy of the Report. *Id.* § 636(b)(1)(C).

Because the parties have not filed any objections to the Magistrate's Report, de novo review is not required. This Court finds that the Magistrate has correctly resolved the issues raised by the Defendants' motion. Therefore, the Court accepts the Magistrate's Report and Recommendations on the Defendants' Motion for Sanctions [ECF No. 217].

CONCLUSION

For the foregoing reasons, the Magistrate's Report and Recommendation [ECF No. 265] is ACCEPTED. The Court GRANTS IN PART and DENIES IN PART the Defendants' Motion for Sanctions [ECF No. 217]. The Court DENIES the Defendants' request for sanctions of dismissal or exclusion of the medical experts retained by the Plaintiff; and GRANTS the Defendants' request for an award of reasonable expenses, including attorney fees, incurred by the Defendants in bringing this motion, to be paid by counsel for the Plaintiff.

SO ORDERED on March 18, 2014.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION